1 2 3 4 5	DONNA M. MEZIAS (SBN 111902) WILLIAM J. EDELMAN (SBN 28517) dmezias@akingump.com wedelman@akingump.com AKIN GUMP STRAUSS HAUER & F. 580 California Street, Suite 1500 San Francisco, CA 94104 Telephone: 415-765-9500 Facsimile: 415-765-9501	7) ELD LLP
6	Attorneys for Home Depot U.S.A., Inc.	
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9	UNITED STATES DISTRICT COURT	
10	CENTRAL DIST	TRICT OF CALIFORNIA
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12	MARC JACKSON, as an individual and on behalf of all others similarly	Case No.: 2:19-cv-01163-CJC-JEM
13	situated,	DECLARATION OF WILLIAM J.
14	Plaintiff,	EDELMAN IN SUPPORT OF MOTION TO COMPEL
15	vs.	ARBITRATION AND TO STAY PROCEEDINGS
16	U.S. REMODELERS, INC., dba HOME DEPOT INTERIORS, a	[Notice of Motion and Motion,
17	Delaware Corporation; U.S. REMODELERS, INC. dba U.S.	Declaration of Marla Bures and Proposed Order filed concurrently
18	HOME SERVICES, an unincorporated association; THE	Date: April 1, 2019
19	HOME DEPOT, INC., a Delaware Corporation; HOME DEPOT U.S.A.,	Time: 1:30 p.m. Crtm: 7C
20	INC., a Delaware Corporation; CRAIG A. MENEAR, an individual; and DOES 1 to 100, inclusive,	Judge: Hon. Cormac J. Carney
21	and DOES 1 to 100, inclusive,	Date Action Filed: January 10, 2019
22	Defendants.	Date Action Removed: February 14, 2019
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DECLARATION OF WILLIAM J. EDELMAN

- I, William J. Edelman, certify and declare as follows:
- 1. I am a counsel at the law firm of Akin Gump Strauss Hauer & Feld LLP, and counsel of record for defendant Home Depot U.S.A., Inc. ("Home Depot") in this action. I make this declaration based on my own personal knowledge, and if called as a witness, could and would testify competently to the facts stated herein. I submit this declaration in support of Defendant's Motion to Compel Arbitration and to Stay Proceedings.
- 2. On January 10, 2019, Marc Jackson filed this action in state court asserting ten causes of action under California law. The plaintiff's central claim is that Home Depot misclassified him and other employees as exempt employees and consequently failed to pay overtime wages, provide proper meal and rest breaks, issue accurate wage statements, and maintain proper timekeeping records.
- 3. Plaintiff served Home Depot with the complaint on January 15, 2019. On February 14, 2019, Home Depot removed the action to this Court. There have been no other pleadings or motion practice in this action.
- No discovery has been propounded by any party in this action nor any disclosures made or documents informally exchanged except in connection with the meet and confer efforts regarding Home Depot's motion to compel arbitration discussed below.
- 5. On February 14, 2019, I sent an email to Jackson's counsel enclosing the arbitration agreement and a copy of the court's Order compelling arbitration based on an identical arbitration agreement in Rogers v. THD At-Home Services, Inc., No. 5:14-cv-02069-JGB-SP (C.D. Cal.) requesting that Jackson arbitrate his individual claims, and informing plaintiff's counsel that Home Depot intended to move to compel arbitration if plaintiff would not voluntarily agree to arbitrate the claims. I sent a follow-up email to plaintiff's counsel on February 19, 2019.

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6. On February 21, 2019, I conferred by telephone with Jackson's counsel, Galen T. Shimoda, Esq., to discuss the substance of this motion. My office is in San Francisco, and plaintiff's counsel practice in Elk Grove, California, thereby making an in-person conference impractical. Plaintiff's counsel did not agree to the relief requested in this motion, and the parties did not reach a compromise or agreement regarding the requested relief.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on February 21, 2019, in San Francisco, California.

William J. Edelman